

The Honorable Barbara J. Rothstein

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

D.S., *et al.*,

Plaintiffs,

v.

WASHINGTON STATE
DEPARTMENT OF CHILDREN,
YOUTH, AND FAMILIES, *et al.*,

Defendants.

NO. 2:21-cv-00113-BJR

JOINT STIPULATION FOR
APPROVAL OF MODIFICATION
TO SETTLEMENT AGREEMENT

**JOINT STIPULATION FOR APPROVAL OF MODIFICATION TO SETTLEMENT
AGREEMENT**

The Parties, by and through their respective attorneys of record, hereby stipulate to the following:

On September 21, 2022, this Court issued an Order granting final approval of the Parties' class action settlement agreement. Order Granting Joint Motion for Final Approval of Class Action Settlement Agreement, Dkt. #123. The Parties' Agreement and Settlement Order (Dkt. #94-1, as modified by Dkt. #139) set forth requirements and deadlines for the drafting and finalization of an Implementation Plan. The Parties now stipulate that portions of the required

1 contents of this Implementation Plan related to exit criteria and certain other data collection and
 2 methodology issues shall be addressed through an Addendum to the Implementation Plan, in
 3 order to ensure adequate time to develop effective, accurate, and achievable goals and
 4 methodologies.

5 The Parties' Agreement and Settlement Order (Dkt. #94-1, as modified by Dkt. #139)
 6 shall be amended to include the following after Paragraph 24:

7 24.1 Defendants shall submit an Addendum to the Implementation Plan that includes:

8 (1) final exit criteria for each System Improvement, (2) quality assurance
 9 benchmarks for each System Improvement, (3) a way of tracking whether Class
 10 Members are being served in the least restrictive and most integrated setting,
 11 (4) the methodology for measuring and tracking Defendants' progress toward
 12 achieving each System Improvement and any intermediary steps, (5) the
 13 methodology for measuring and tracking progress toward achieving each of the
 14 exit criteria set forth in Paragraphs 37-45, and (6) the approach for determining
 15 capacity needs for each System Improvement.

16 24.2 The Addendum will be developed in consultation with Plaintiffs and with the
 17 assistance of the Monitor over a period of six months, from August 2, 2023
 18 through February 2, 2024. Once finalized on February 2, 2024, it will be added
 19 to the final version of the Implementation Plan and posted on Defendants'
 20 website.

21 Defendants shall provide an opportunity for public feedback prior to finalization of the
 22 Addendum.

23 24.3 The Parties agree that Defendants will include agreed upon language regarding
 24 the Addendum in the revised version of the Implementation Plan submitted on
 25 August 2, 2023.
 26

24.4 The Parties will attempt to resolve any disagreements about the Addendum to the Implementation Plan in good faith. If they cannot do so on their own, they shall seek assistance from the Monitor. If the Parties continue to have disagreements about the Addendum to the Implementation Plan, disputes shall proceed through the dispute resolution process in Section VI of the Settlement Agreement on an expedited basis, with deadlines set by the Monitor.

24.5 To the extent that the language in Paragraphs 24.1 through 24.5 above conflicts with Paragraphs 22 through 24 of the Settlement Agreement, the language in Paragraphs 24.1 through 24.5 supersedes Paragraphs 22 through 24.

I certify that this memorandum contains 458 words, in compliance with Local Civil Rule 7(e)(6).

RESPECTFULLY SUBMITTED this 3rd day of August, 2023.

Presented by:

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CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2023, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 3rd day of August 2023.

ROBERT W. FERGUSON
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By:



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